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MAY 07 2007

Serial No.: 10/721,558
Examiner: Tonya S. Joseph

REMARKS

Claims 1-7 remain in this application. Claims 1 and 7 have been amended.

I. REJECTIONS UNDER 35 U.S.C. § 101

Claims 1-7 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. These rejections are overcome by the foregoing amendments to Claims 1 and 7, which recite a computer-implemented system that produces a concrete, tangible and useful outcome.

II. REJECTIONS UNDER 35 U.S.C. § 102

Claims 1 and 3-6 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kannan (US Patent Application Publication No. 2001/0054064 A1). Applicant respectfully submits that these rejections are overcome for the exemplary reasons provided below.

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Amended independent Claim 1 recites: "*a web server ... [that] displays said presence information on said web site and provides a user selectable option on said web site for requesting real time customer support that is selectable by the user based on said presence information.*" Applicant respectfully submits that the above-quoted feature is not taught by Kannan. Instead, in Kannan, the expected waiting time is only displayed to the customer after the customer accepts the invitation to talk to a live representative. (*See paragraph 197*).

In view of the foregoing discussion, Applicant respectfully submits that Kannan does not teach each and every element of independent Claim 1 (and its dependent claims) arranged as they are in the claims. Accordingly, Applicant respectfully requests that the Examiner withdraw the § 102(b) rejections of Claims 1 and 3-6.

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Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kannan in view of Gourraud (US Patent Application Publication No. 2004/0122896 A1). In addition, Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kannan in view of Hawkes et al. (US Patent Application Publication No. 2002/0055974 A1). Applicant respectfully submits that these rejections are overcome for the exemplary reasons provided below.

The aforementioned Claims 2 and 7 recite all of the exemplary features discussed above with respect to the rejection of Claim 1. Both Gourraud and Hawkes et al. fail to remedy the above-described deficiencies of Kannan, so the rejections of Claims 2 and 7 are overcome for at least the same reasons given above with respect to the rejections of Claims 1 and 3-6.

In addition, with respect to Claim 7, Applicant notes that amended Claim 7 recites: "*a customer support server ... [that] facilitates real time telephone support via a telephone connection between the user and the customer support representative if the customer support representative cannot connect to the user via the data connection*" (emphasis added). Applicant respectfully submits that the above-quoted feature is not taught or suggested by Kannan in combination with Hawkes et al. Instead, in Hawkes et al., the telephone connection is established at a later time between the customer and the customer service representative. (See paragraph 247).

In view of the foregoing discussion, Applicant respectfully requests the withdrawal of the § 103 rejections of Claims 2 and 7.

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For the above reasons, the foregoing amendment places the Application in condition for allowance. Therefore, it is respectfully requested that the rejection of the claims be withdrawn and full allowance granted. Should the Examiner have any further comments or suggestions, please contact the undersigned at the number below.

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Respectfully submitted,

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